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## DOCUMENTS

*The Papers of Sir Charles R. Vaughan, 1825-1835.*

(*Concluding Installment.*)

VAUGHAN'S arrival in America almost coincided with the opening of the dispute concerning the northeastern boundary.<sup>1</sup> Those who are familiar with the difficulties about boundaries which fill so large a place in the colonial history of the eighteenth century know that in most cases the question became acute, not through any formal assertion of a claim by a colonial government but through the refusal of individual citizens to accept the jurisdiction of the colony which claimed their allegiance, on the plea that they were outside its boundaries. So it was in this case. The treaty of 1783 had arrived at a supposed solution of the boundary question which was in reality no solution. Owing to the lack of local knowledge and a proper survey, terms were used to define the boundary which were in reality unmeaning. But the zone of country affected, the debatable land as one may call it, remained unoccupied and the difficulty therefore unheeded down till about 1825. Then as it would seem, individual settlers from Maine began to dispute the authority of the New Brunswick government surveyors. American land agents too were impressing on the settlers that they must get titles for their holdings from the governments of Maine or Massachusetts, as the case might be. In March, 1827, we find Vaughan telling Canning in a despatch that Clay has promised to restrain the governors of Maine and Massachusetts from any encroachments on the territory in dispute. That this was not without effect is clearly shown by a proclamation dated September 5, 1827, which is among the Vaughan papers, by which the governor of Maine tells certain citizens to abstain from any independent action of the nature of encroachment and if they are wronged to trust to their government to obtain redress. Yet it is clear from the correspondence between Vaughan and the governor of New Brunswick, Sir Howard Douglas, that encroachments still went on and that timber-cutting and occupation were taking place on the territory in dispute.

Vaughan at once saw that the present loss or inconvenience was a small part of the matter. The real danger was that the Amer-

<sup>1</sup> The comments on the letters that follow are by Mr. John A. Doyle, who wrote the introduction to the documents with a sketch of Vaughan's early career.—ED.

icans might secure a frontier so near the St. Lawrence as to be a source of danger in time to come. One of his letters to Douglas clearly shows that he had grasped the temper of New England. "I find I have a tough, tenacious people to deal with here, which requires great firmness and above all great temper in those who have to deal with them." Vaughan's letters too show that he was quickly beginning to understand the *arcana imperii* of the United States. The Federal government is anxious to be just and even conciliatory but it lacks firmness in dealing with its constituent members. Even Jackson strong-willed as he is and well-disposed to England cannot forget that he will be a candidate for re-election and must consider the vote of Maine. And at a somewhat later stage of the dispute Vaughan writes that Jackson is showing "not the force . . . . of his own character, but the temporizing character of Van Buren." He adds that "The United States Government is always timid when it apprehends collision with any State." And in the same strain he writes to Palmerston in April, 1831, "Whenever the executive part of this government is by accident in collision with the government of a State the policy of the former is generally of a feeble and temporizing character." Yet Jackson in his message of 1830 says that "the negotiations have been characterized by the most frank and friendly spirit on the part of Great Britain and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States." It is clear enough what was Jackson's attitude in this dispute. He was anxious to avoid collision and willing to do much for that end. Yet he could not afford openly and definitely to tell Maine and Massachusetts that the Federal government would not support their claim.

In 1827 it seemed as if a solution had been found. The question was referred to the King of the Netherlands as arbitrator. His award was issued in 1831. Unfortunately it took a form which rendered it open to dispute. He admitted that no exact boundary as set forth in the terms of the treaty of 1783 could be found. But he recommended the two governments to accept a boundary which equitably represented the intentions of the treaty of 1781. The American government declined to accept this on the plea that the reference to the arbitrator simply authorized him to interpret the treaty and that it was beyond his authority to recommend a compromise. Maine furthermore refused to accept the arbitration on the curious plea that the King of the Netherlands was no longer in the same position as when appointed as he had lost three-fifths of his subjects by the separation of Belgium and was now dependent on the good-will of Great Britain.

The further course of the dispute may be best learned from the following papers :

XII. CHARLES R. VAUGHAN TO THE EARL OF ABERDEEN.

WASHINGTON. 12. Octr. 1830.

*My Lord,*—I received on the 12 Augst. a letter (a copy of which I have the honor to inclose), dated the 5th. July, from Mr. Black, who in the absence of His Majesty's Lt. Governor of New Brunswick, Sir Howard Douglas, administers the Govt. of the Province. Mr. Black informed me in this letter, that the marshal of a district, in the State of Maine, had sent a deputy into the territory in dispute between his Majesty and the United States, with instructions to take a census of the population, as though the inhabitants belonged decidedly to the United States.

It appears by the copy of the instructions, inclosed in Mr. Black's letter, given by the Marshal of Maine to his Deputy Genl. Webber, that the census was to be taken in that part of the county of Penobscot called the Madawaska Settlements and also in all the settlements upon the Aroostook river. General Webber was ordered to desist from taking a census by a magistrate acting under the Government of New Brunswick, and he readily complied with his orders, and retired from the disputed territory. As the General Government has not in any shape notified this proceeding to me, from whence I infer, that they acquiesce in the right of the British authorities to require the agent from Maine to desist from taking a census, I have not thought it necessary to demand of this Government a formal disavowal of such conduct.

Ever since the election of General Jackson to be President of the United States, the complaints on the part of the Government of the State of Maine of the encroachments by British authority, upon the disputed territory, which were so frequent under the preceding administration, have been discouraged, and have ceased. I trust therefore that your Lordship will approve of my having declined to renew the discussion of jurisdiction in the disputed territory, while I have expressed to Mr. Black in a letter a copy of which is inclosed, my readiness at all times to meet the wishes of the Government of New Brunswick, and the satisfaction which I derived, from the proper and successful resistance of the magistrates to the intrusion of General Webber.

XIII. CHARLES R. VAUGHAN TO VISCOUNT PALMERSTON.

LONDON

30 July 1832

*My Lord. . . .* Certainly no people live under a form of Government which offers so many difficulties and uncertainties, in negotiations with Foreign Governments, as the United States. The examples are not unfrequent, of Treaties being rejected by the Senate, which have been concluded after long and tiresome negotiations by Plenipotentiaries appointed by the Executive.

As I have already stated the final settlement of the boundary question is not of importance to the Americans, but in my opinion it is of urgent necessity, on the part of Great Britain, if we wish to preserve undisturbed our relations with the United States. The moment that the rejection of the decision of the arbitrator is decided upon by the United States, the Province of New Brunswick must be placed in a safe defensive state by the arming of the Militia and the Governor will, as before the Arbitration, be in a constant state of collision with the State of Maine about encroachments and disobedience of the Americans settled in and near the Province, and about the exercise of jurisdiction over the disputed territory, which clearly belongs to England, until that portion of New Brunswick which is yet in abeyance between the two Governments, shall have been finally set off and separated by a settlement of the boundary.

One essential point in that settlement is a secure communication between the Province of New Brunswick and Lower Canada, which I have been given to understand might without difficulty be preserved, should we be obliged to abandon the Post Route hitherto used through the disputed Territory, by a very easy and practicable line, entirely through British Territory.

xiv. CHARLES R. VAUGHAN TO VISCOUNT GODERICH.

LONDON

7th Feb. 1833

*My Lord.* . . . In addition to the above motives for not hastily closing with this offer to negotiate, a new pretension by command of the Senate has been inseparably attached to it, namely, a right to the navigation of the river St John. To concede this right would place the British subjects in New Brunswick in competition in their valuable Timber Trade, with the Americans, who would find an outlet for the timber from the vast Forests of Maine by that River, the military defences of New Brunswick on the Frontier of the United States would be turned, and the concession of the principal must open to the Americans the Navigations of the St Lawrence.

I consider the last clause in the offer to negotiate, as the probable motive for the rejection of the decision of the King of the Netherlands. The navigation of the St John's has long been an object of great importance with the people of Maine. The facility with which the Americans put forward a pretension, and the pertinacity with which they will insist upon it, makes one inclined, at once, in such a case as the navigation of the St John's to insist upon its being withdrawn as connected with the settlement of the Boundary as it involves interests which require consideration.

It is my opinion that the sooner this pretension is rejected the better, for so long as there is a chance of Great Britain admitting it to be a question fit for negotiation, in combination with the Settlement of the

Boundary, there is no chance of the Senate in some future Session reversing and revoking their rejection of the Boundary line suggested by the King of the Netherlands.

There was a minority of 8 to 34 who voted for accepting that line. The President and his ministers were disposed to acquiesce and I cannot but feel inclined to believe that when the pretension to navigate the St John's is decidedly rejected, that the Americans will be convinced that they are putting themselves into the wrong, by not acquiescing, as Great Britain has done, in the decision of the King of the Netherlands. I take it for granted that H.M. Government are not inclined to retract their declaration of declaration of willingness to agree to that line of Boundary.

I submit these observations to H.M. Government, as I conceive that the time is arrived when an answer must be given to the offer of the President to negotiate and the rejection of the Navigation of the St John's might be declared in any note which the British Government might think it right to send to the Government of the United States, should it be thought expedient formally and officially to demand further explanation before it can decide upon the expediency of entering in-to a negotiation.

In my opinion, the best termination of the Boundary question, would be that the Government of the United States should reconsider and acquiesce in the Boundary proposed by the King of the Netherlands. Should they ultimately consent to do so, it might afterwards be worth while to remove them by negotiation from the St Francis River, and from the Northern side of the St John's by some equivalent elsewhere.

There are certain difficulties attending all negotiations with the United States, peculiar to their Constitution of Government, which ought to induce a reluctance in Foreign Powers hastily to embark in negotiations with them. I allude to the subserviency of the Executive to the dictates and interests of the State to be principally affected by the result, and to the share or participation which the Senate has in making Treaties.

A negotiation at Washington for adjusting the Boundary, would be in fact a negotiation with the State of Maine carried on through the medium of the Executive. The President Jackson having now secured his re-election for the second term of four years, might be less inclined to attend to all the interested views of Maine, than during the last summer, but any Treaty concluded by Plenipotentiaries, and with his perfect approval, must be submitted to the Senate for their confirmation before it can be offered for ratification. The Senate has repeatedly undertaken to discuss a Treaty, as though it had not been framed by persons authorized to make it, and to alter it at their pleasure and even to reject it.

A treaty upon the Boundary would be submitted to a Senate composed of two thirds of the members, who have already prejudged the British claims, and decided in favour of the claims of Maine, when they rejected the line of Boundary proposed by the King of the Netherlands.

I venture to submit to your Lordship's consideration, the expediency of making a stand upon the decision of the King of the Netherlands in hopes that when the pretension to navigate the St John's is positively refused to be considered as a part of the Boundary Question, the Senate may revise and revoke its resolution of July last.

I could not, without far exceeding the space at my disposal, trace the complex disputes arising out of the commercial relations between the United States and Great Britain. If Vaughan's American informants are to be believed, that dispute would in all likelihood never have arisen, or never at least become acute, but for the self-will and lack of candor of John Quincy Adams. Vaughan gives an account of a remarkable conversation that he had with Tazewell<sup>1</sup> of Virginia. According to Tazewell, when Adams was intrusted with the negotiations with Lord Castlereagh, he refused certain commercial concessions which would have obviated all future difficulty on the ground that they were dogged by conditions which would give the British government influence over the Indians on the American frontier. Castlereagh offered to revise these conditions in whatever manner Adams would suggest. "Mr Tazewell," Vaughan goes on to say, "assured me that he could never forgive Mr Adams for sending to his Government the proposals of Lord Castlereagh accompanied by a despatch containing his suspicions without one word of the frank disavowal of Lord Castlereagh. Had Mr Adams recommended the acceptance of these proposals, it has been observed in a newspaper (*New York Evening Post*, October 6, 1830) 'twelve years legislative war would have been avoided, and a commerce secured to the United States more valuable than with any other country than Great Britain.'"

To this Vaughan appends a marginal note "A committee of the House pronounced these proposals to be the most rational and reciprocally advantageous ever proposed."

Vaughan's arrival in America coincided with the conflict on the question of trade assuming an acute form. Up to 1825 the only measures of the nature of protection and exclusion had been on the side of America. The natural conditions of West Indian trade were that British vessels could load with West Indian produce and transport it to the ports of the United States on cheaper and easier terms than American vessels could. This, as a natural consequence by handicapping American vessels on their return voyage, tended to withdraw them altogether from the West Indian trade. Moreover, although the British government did not exclude American goods

<sup>1</sup> Littleton W. Tazewell, 1774-1860; Senator from Virginia, 1825-1833; for some time chairman of committee on foreign relations.—ED.

and American vessels from its colonial ports collectively, yet it did in individual cases. By custom house regulations certain ports were thrown open to certain goods. And it was alleged that this was so arranged that American vessels were, not excluded, but deterred from attending those ports from which the return voyage was most lucrative. To meet these restraints the American government imposed heavy differentiating duties depriving British vessels of their advantage. An act of Parliament in 1825 authorized the King by an order in council to close the British colonial ports to American vessels until the discriminating duties were withdrawn.

The conflict of views in the United States was not merely a question of local division. The tariff pressed with varying force on different victims of the industrial community. This is clearly pointed out in an extract from an American paper preserved by Vaughan. Producers of protected goods were not the only people who benefited by the tariff. Small importers gained because they were allowed credit for their duties and were thus mutually enabled to borrow capital. Common brokers gained because they charged their commission on the "long price" as it was called, that is the price paid by the importer after duty had been levied.

Vaughan's letters during 1826 and 1827 throw frequent light on the course of the dispute.<sup>1</sup> On the 2d of October, 1826, he reports a preliminary skirmish with Clay. The latter expressed surprise at the Act of 1825 being passed without any attempt at negotiation. Vaughan replied that the British government had given full notice of its intention, and that since then there had been nothing in the action of Congress to suggest any change of purpose.

In February, 1827, Vaughan wrote hopefully to Sir Howard Douglas the governor of New Brunswick. The United States government was, he thought, ready to meet Great Britain half way. If the British government would relax their protective system, America would, he believes, open her ports to British vessels and abolish the differentiating duties. Moreover the United States government would not demand that American produce imported into the West Indies should be put on the same footing as that coming from British colonies in North America.

Vaughan saw too that in this matter the government of the United States was not wholly in touch with public opinion. "With regard to the impression made upon the public as it is to be collected from newspapers there is less expression of angry feeling

<sup>1</sup> Gallatin was appointed minister to succeed King and to reach agreement with England on various controversies. Gallatin's letters on this subject are gathered in Adams's *Writings of Albert Gallatin*, Vol. II. Correspondence between Vaughan and Clay can be found in *Am. St. Papers, For. Rel.*, VI. pp. 257-259; 985.—ED.

than is usual on such occasions and rather a regret manifested that the Government should not have avoided by its measures the loss of a very lucrative trade."

Ten days later Vaughan reports a conversation with Clay.

"Mr Clay has been in communication with the President who is still absent from Washington, upon the subject of the order in Council and I learn from him that when that order shall be carried into effect, it will in all probability be followed by a suspension on the part of the United States, of all intercourse, with our West Indian Islands, and with British North American Colonies. Upon my observing that according to my reading of the order in Council, the last-mentioned Colonies were exempted from the provisions of that order, he immediately replied that the Government of the United States could not fail to perceive in that exemption, a plan for making the British North American Colonies the deposits of American produce, to be carried afterwards from thence to the West Indies.

"Mr Clay seemed to think that there would be great difficulty in placing the trade between the United States and the British Colonies upon a fair footing of reciprocity and equality. He informed me, however, that after diligent enquiry he had convinced himself, that the claim was untenable which had been put forth by the United States, to have the produce of this country received in the British West Indian ports upon the same terms as the produce of British North American Colonies, of a similar description. It appears that the President, who always insisted upon this claim, has been persuaded by Mr Clay to abandon it and that Mr Gallatin is instructed to give up the point in his negotiations in London."

On the 30th of October Vaughan writes to Canning inclosing a newspaper article which he regards as inspired by the American government. Vaughan describes it as a labored justification of the government for not having abolished the discriminating duties. The noteworthy feature of the article is that it is not a defence of the protective system in itself. The writer only pleads on behalf of the government that the British government is not showing any inclination to meet the United States half way. The refusal on the part of the Senate to abolish the discriminating duties is justified upon the expediency of awaiting the result of negotiating to which it was necessary to resort, in order to settle a trade which had been the subject of controversy for thirty years and which would, otherwise, be still dependent upon acts of Parliament, upon orders in council and liable to such duties as the colonial legislatures might think proper to impose, from a view of their own insulated interests. In proof of the latter, notice is taken of an act of the legislature of Nova Scotia, imposing new duties upon articles imported from foreign countries, eight months after the acts of Parliament of 1825 were published.

In this article it is stated, that a power was left with the President of the United States to suspend the discriminating duties when-

ever satisfactory proof was given to him that like terms had been granted to American commerce and navigation in British colonial ports. This assertion is calculated to mislead the public, inasmuch as the *like terms* insisted upon included a relaxation of the whole colonial system of Great Britain, and when it was proposed to give that power to the President for the abolition of the discriminating duties imposed upon British vessels in American ports from British colonies, during the last session of Congress, the motion was dropped in the House of Representatives without any definite decision.

This article concludes with expressing a hope, that mutual concessions being made, the question "may come to an acceptable issue, at no distant period and if practicable before that prescribed for the recent sweeping order in Council to take effect shall have arrived; an order issued at nearly the very moment of the landing of a new minister from the United States, without his having an opportunity to hold a single conference with regard to it."

Upon the article Vaughan makes the following comment :

"This is not exactly correct, as I understand that Mr Gallatin had an audience with you, previously to the issue of the order in Council.<sup>1</sup>

"With regard to the hope expressed in this article, I shall attend to the instructions which I have had the honor to receive from you contained in your Despatch No. 24, and I shall carefully abstain from giving any expectation that anything which Mr Gallatin can now bring forward will alter the determination of His Majesty's Government.

"The article which I have enclosed, taken from a newspaper published at New York, contains a refutation of the arguments brought forward in a Report of the Committee of Commerce against the abolition of the discriminating duties, made during the last Session of Congress, and points out many errors into which the Chairman of that Committee had fallen when treating of the British regulations of Foreign intercourse with the Colonies."

The matter was complicated by the existence of a trade between the West Indies and the British dependencies north of the United States, Canada and New Brunswick. It was possible for American vessels starting from their own ports to appropriate a portion of the carrying trade between these British colonies. This was facilitated by the fact that for a portion of the year the St. Lawrence was unnavigable. At such times the only outlet or inlet for Canadian exports and imports was by land and through the United States. It was, however, a fixed principle even with those who, like Huskisson, were for encouraging intercourse within certain limits between the United States and the West Indies that such intercourse should

<sup>1</sup>The order in Council is in fact dated July 27. Gallatin reached London August 7. Gallatin had not seen the order on his first interview with Canning, August 17. *Am. St. Papers, For. Rel.*, VI. 249, 346.—ED.

not encroach on the trade between British dependencies. That was as much an internal trade, a legitimate national monopoly, as the trade between London and Newcastle. Again if the Americans limited their retaliation simply to vessels coming from the West India ports where the duties of which they complained were levied, then in all likelihood vessels from Canada and New Brunswick having free intercourse on the one hand with the United States and on the other with the West Indies, would get the carrying trade into their own hands. Clay's views on this latter point are referred to twice in Vaughan's letters.

On December 5, 1826, Vaughan writes :

"Mr Clay is under a conviction that the ports of the United States shall be closed to British vessels proceeding from British Colonies in which the late order in Council should be carried into effect, but that all intercourse shall likewise be prohibited with the British North American Colonies exempted from the operation of that order.

"Upon my observing to Mr Clay that in that case the new measure recommended to the adoption of the Congress went far beyond the retaliation provided for and marked out by the Act of 1823, Mr Clay justified the extent to be given to the provisions of a new act upon the grounds that the British North American Colonies could not be permitted to profit by the interruption of the intercourse between the United States and the West Indies."

And again on December 20th.

"I apprehend from my conversations with Mr Clay, that the Congress will direct all intercourse with British Colonies by vessels of any nation to be strictly prohibited.<sup>1</sup> Mr Clay observes to me, that to shut the ports of the United States to British vessels proceeding from British Colonial ports only, from whence vessels of the United States are excluded, is objectionable, as thereby the carrying of produce of the United States to the West Indies would be thrown into the hands of the inhabitants of the British North American Colonies. To shut the ports of the United States to all British vessels from all British colonies indiscriminately would throw the carrying trade between the United States and the West Indies into the hands of the Danes and other powers. There is therefore the only alternative left of preventing all intercourse with the West Indies."

What follows is more hopeful.

"There is certainly a disposition in the Congress to call the Government to account for having allowed the intercourse with the Colonies to be in the state in which it now is, and this question has been discussed in the newspapers and in society with more temper and moderation than I could have expected.

"Mr Clay continues to repeat to me the complaint of this Government that the bar to further negotiation respecting Colonial intercourse was sudden and unexpected, particularly as they had been informed in the month of March last, that His Majesty's Government was preparing

<sup>1</sup> Such a proclamation was issued March 17, 1827. *Am. St. Pap., For. Rel.*, VI. 985; *State Papers*, 1st Sess. 20th Cong., Vol. I., Doc. 2, p. 36.—ED.

to resume the suspended negotiations, of which the Colonial trade was a part.

" In answer to this, I have reminded Mr Clay of the remarkable forbearance shewn during the last year by the British Government. The Acts of Parliament in question were passed in the month of July 1825, and were to have been carried into effect in the month of January 1826. But they were allowed to remain inoperative so far as regarded the United States, until the late order in Council fixed upon the 1st of December of this year for that purpose.

" Mr Clay has complained to me that these Acts were not communicated officially to his Government, upon which I observed that I never heard that it was the usage of nations to communicate to foreign Governments their legislative enactments for the better governing of their States; that I did not understand that any official communication of these Acts of Parliament had taken place to any other of the foreign countries, equally interested in their operation as the United States. It could not however be alleged, that this Government remained in ignorance of those Acts, as I reminded Mr Clay, that it was in the month of December 1825, that on the occasion of a discussion in Congress relative to the threatened closure of the port of Halifax, he sent his copies of the Acts to the Congress, when they were ordered to be reprinted for the use of members.

" The forbearance of the British Government continued throughout the Session of Congress, during which the abolition of the American discriminating duties was discussed, as the removal of them was felt to be absolutely necessary, before the United States could participate in the British Colonial trade under the new acts.

" I have reminded Mr Clay that the long forbearance of the British Government had been met by a resolution of Congress to leave the abolition of discriminating duties to be a subject of negotiation in London, which it was clear it could not be after the measure of opening the trade to the Colonies generally to all the world had been fixed by an Act of Parliament.

" In answer to this, Mr Clay has observed to me that he had now discovered that if the Congress had abolished the discriminating duties, they would have legislated in the dark. That it was now asserted that the United States could not come within the conditions of the Act of 1825 unless the Act of Congress also was repealed which restricted British vessels from clearing out in ports of the United States for the British West Indies, unless they had proceeded in the first instance to the American port from a British Colony.

" Mr Clay has also stated to me another objection to the conditions of the Act of 1825. The United States have great difficulty in consenting to treat British vessels, as the vessels of the most favoured nation, because by the engagements of the United States with Sweden and with other countries, it is mutually agreed that the vessels of either nation shall be at liberty to carry to the ports of the other the produce of any country.

" The British Navigation Act, Mr Clay observes, would prevent any reciprocity between Great Britain and the United States, which should give a similar latitude with regard to the produce which their vessels might import.

" With regard to the abolition of the discriminating duties, I ought to inform you that during that discussion in the last Session of Congress, I

gave Mr Clay to understand confidentially that Great Britain would, whenever the American duties were abolished, abolish the equivalent duty which had been imposed on American shipping in British Colonies."

The following letters illustrating the complexity of the situation, hardly admit of an epitome.

xv. CHARLES R. VAUGHAN TO GEORGE CANNING.

WASHINGTON

Feb. 28th 1827

*Mr Canning.*

*Sir,* The Act, which the Committees of Congress proposed to pass in consequence of His Majesty's order in Council, closing the Ports of the West India Islands to vessels of the United States, has at length been taken into consideration in one of the Houses of Congress, the Senate.

On Feb 21st the passing of the Act was called for by Mr Johnston, the Chairman of the Committee, and General Smith opposed the Bill, and offered an amendment. The purport of it was to open the ports of the United States, from and after the 31st December next to all vessels from ports of British Colonies which are already established or may be established hereafter as free ports, upon paying the same duties as upon cargoes in American vessels—and to suspend until the 31st December the Acts of Congress of March 1823—May 1820, and April 1818, excepting so much as imposes discriminating duties on the tonnage of Foreign Vessels and their cargoes.

General Smith recommended the adoption of his amendment, as being of a more conciliatory character, than the Act proposed in its present shape, which in his opinion implied a menace in the event of the British Government not agreeing to change its policy.

This amendment was favourably received by the Senate and ordered to be printed.

On the following day Mr Holmes a Senator from the State of Maine, moved to substitute for the amendment proposed by General Smith, one, which should declare, that the Act proposed by the Committees of Commerce, should be in force, unless the President should receive information before the 1st of August, that the British Colonial Ports were open to vessels of the United States—and that discriminating Duties on British Vessels and Cargoes should cease.

This amendment of Mr Holmes was rejected by 32 Votes to 13.

On the following day the 23rd February, the debate upon the Colonial Act was resumed by Mr Johnston, who replied to General Smith and supported the act brought forward by him as Chairman of the Committee. He was followed by Mr Holmes, who moved an amendment, the object of which was, to interdict the trade with the British Colonies, both by land as well as sea, as he believed that so long as the trade through the Canadas should remain open, the object of the Bill

would not be obtained, which was, the coercion of Great Britain into the measures sought by the United States.

This amendment was opposed by Mr Sandford of New York, who considered the Bill under discussion, as very distinct from a commercial enactment, and to be considered as a Navigation Act, the object of which was to touch the Navigating interests of Great Britain, rather than to regulate the internal trade with the Canadas, through which very little flour was sent from the United States to the British West Indies.

Mr Holmes while supporting his amendment, confessed the injury which the measure he had proposed would do to the interests of the State of New York, and that the State of Maine which he represented would likewise be injured by it: as the act once passed, passed in the form proposed by the committee, the port of Eastport in Maine must become a dépôt for the produce of the United States, to be conveyed thence to the British Colonies by the Island of Campo Bello (within two miles of it) which would be declared immediately a Free Port.

Mr Tazwell, who generally opposes the measures of the Government, spoke in favour of Mr Holmes proposal, to close the intercourse with the Canadas by land. He felt the injustice of leaving a trade, to be carried on by the State of New York and the Eastern States, which was to be entirely lost to the Southern States. He took occasion to deprecate the restrictive system in commerce, which the present administration of this country had manifested so strong an inclination to follow, and which must ultimately lead to a separation among the States.

The amendment of Mr Holmes closing the intercourse with the Canadas by land as well as by sea, was adopted by 32 votes to 12. The House was afterwards adjourned by the casting vote of the President.

On the 24th the discussion was renewed, and after several additional amendments had been proposed, the vote of the Senate was at length taken upon the passing of the Bill as proposed by the committee, when it was decided to reject the Bill by a majority of 9 votes.

I understand that it now remains to reproduce the Bill, altered according to the various amendments which have been proposed.

The Session of Congress must close on the 3rd of March, there is scarcely [time], therefore, for the Senate to agree upon an act in another form (considering the great variety of amendments which have been offered), which shall meet with the concurrence of the House, and it can scarcely be expected that a new act should originate in the House of Representatives where the discussion has not yet commenced, in time for the Senate to accede to it.

As I feel it my duty not to lose the opportunity of sending you some account of the proceedings in the Senate by the first Liverpool packet which sails from New York and as the sitting of the Senate was not over until a late hour last night, I cannot yet inform you of the course which it is probable will be pursued upon the rejection of the Bill as proposed by their committee of Commerce.

xvi. CHARLES R. VAUGHAN TO GEORGE CANNING.

WASHINGTON

3rd March 1827

*Mr Canning,*

*Sir,* I had the honor to inform you in my dispatch No. 9, that the act respecting commercial intercourse with the British Colonies, which had been offered by the Committee of Commerce, to both Houses of Congress, was rejected in the Senate. On the 28th February an amendment proposed by General Smith was carried by a majority of 32 to 10 and passed in the Senate as an act substituted for the one proposed by the committee.

I have the honor to enclose a copy of this act as it was transmitted to the House of Representatives, which at the moment of its being communicated was engaged in discussing the act as proposed by their committee, but it was agreed to suspend the debate and on the 1st inst. the act received from the Senate was taken into consideration.

The first section of this act provides that from and after the 31st December next, no other or higher duties shall be levied upon British vessels and cargoes arriving from any British Ports, declared by the British Government to be free. Free Ports, in the ports of the United States, excepting Florida, than upon vessels and cargoes belonging to the United States.

By the 2nd section of the Act of the Senate, the Acts of Congress of the 1st March 1823—of the 15th May 1820 and of the 18th of April 1818 are suspended until December 31st next, excepting so much thereof as imposes Discriminating duties on the tonnage of Foreign vessels and cargoes.

By the 3rd section it is provided that if at any time before the 31st December next the President of the United States should receive satisfactory evidence, that the prohibition to commercial intercourse between vessels of the United States and the British Colonies, mentioned in the order in Council of the 27th July 1826 has ceased or been removed and that no discriminating duties of tonnage or impost are levied within the British Free Ports, upon vessels and cargoes from the United States, the President is authorized to issue his proclamation, declaring that the acts mentioned in the 2nd section are *altogether* suspended and repealed.

In the House of Representatives on the 2nd of March Mr Tomlinson the chairman of the committee of commerce moved an amendment of the 3rd section of the act received from the Senate, a copy of which I have the honor to inclose.

The purport of it seems to be, to engage positively for the act of 1818 and 1820 being put into force on the 31st December next and for the repeal of the act of 1823, in the event of the President not having received information by the 31st December that should justify the issuing of the Proclamation as authorized by this act.

This amendment was opposed but carried by a majority of 80 to 56.

The Senate has refused to agree to this amendment after a conference, and the House of Representatives has resolved to adhere to it by a vote of 75 to 65.

The session of Congress must terminate to-morrow the 4th of March and as I understand that the question of Colonial intercourse is not to be again renewed in any shape in either House before the final close of the session, the Bill is lost, and that question must remain in the same state as upon the opening of this Session.

By the 6th section of the Act of Congress of March 1st 1823, the President is directed to issue a proclamation to put in force and revive the acts of Congress of the 18th of April 1818 and of the 15th May 1820, if at any time the intercourse between the United States and the British Colonial Ports should be prohibited by an order in council or an act of Parliament. The President stated to the Congress that he had thought it expedient, not to exercise the authority given to him by the act of 1823, when the order in Council was issued by His Majesty, but to leave it to the Congress which was about to meet, to decide upon what measures it might be advisable to adopt. as the Congress has thrown back upon the President, the adoption of measures, by the rejection of the Bills which have been under discussion, it is presumed that no alternative remains, than for the President to issue his Proclamation, putting in force the acts of Congress of 1818 and 1820.

These acts close the ports of the United States to British vessels from Colonies closed to the Americans and the act of 1820 closes the ports to British vessels from Lower Canada and New Brunswick and limits the import from certain British Ports enumerated and the produce of the country from whence they sailed.

Although the Congress of the United States has had before it the Bill recommended by the committees ever since the commencement of the Session, it has not been taken into consideration until within ten days of the close of the Session in either House, when amendments have been offered by members in both Houses according to the local interests of their respective States.

An amendment of the Bill was strongly supported in both Houses, which went to close the intercourse with the Canadas by land as well as by sea. Such an amendment though not finally put into the Bill was carried by a majority in the Senate of 32 to 12 and a similar amendment to the Bill from the Committee of Commerce was carried in the House of Representatives.

In the course of the Debate it was remarked, that for a length of time Great Britain, has been endeavouring to improve the resources of the Canadas, and to raise them up as rivals to the United States. The Representatives of the State of New York, Vermont, and the majority of those from Maine, resisted the closing of the intercourse by land with the Canadas. They estimated the value of the trade so carried on at 1.800.000 Dollars, of which sum, not 50.000 dollars, ever found its way to the West Indies. Many coarse articles of manufacture are furnished, it was

said, by the United States to the Canadas and they are dependent for their supply of salt, upon the State of New York. To close that intercourse went beyond the present object of repelling the measures adopted by Great Britain, and to do so was to enter at once into a contest for the balance of commercial advantages.

It was stated in Congress that though the navigation of the Lake Ontario was equally divided between the British and Americans, upon Lake Champlain 260 American vessels were exclusively employed. Quebec furnished a ready market for the produce of Vermont and the valley of the Lake Champlain the intercourse was greatly exceeded in value, by the trade which takes place between the western part of the State of New York and Montreal.

During the late discussion it was asserted, that the value of the trade between the United States and the whole of the West Indies (not the British alone), amounted to 7,156,000 Dollars. in 1821 it employed 32,000 tons—in 1823—70,000 tons, and in 1825, 101,000 tons of shipping.

The State of North Carolina, alone, employed in that trade 20,000 tons of shipping, and it was asserted that the West India Trade gave to the Navy of the United States 10,000 seamen.

I have ventured to notice some of the Statements which have been made during this discussion, without being able in any shape to vouch for their accuracy. It was observed by Mr Camberleng of New York,<sup>1</sup> that the Congress might rest assured, that if this branch of commerce was to be recovered, they must make very liberal offers to Great Britain.

The result of the discussion in the Congress, is, to leave the question where it was at the commencement of the Session. The conduct of the Government has been blamed for having left to negotiation, what should have been done, during the last Session, by Legislation; and a conviction prevades both the Government and the Country, that the United States have only themselves to blame for the situation in which they are at present.

The decisive measure of His Majesty's Government has had the effect of producing the consent of this Government to several points long disputed, and I trust that it may prove a seasonable check upon those exaggerated pretensions and that tenacity of opinion which has sometimes marked the negotiations with the United States.

#### XVII. CHARLES R. VAUGHAN TO GEORGE CANNING.

WASHINGTON

13th March 1827

*Mr Canning,*

Sir, I am not yet able to state to you in what manner the President means to carry into effect by his proclamation the closing of the Ports of the United States against vessels from British Colonies, the ports of which have been closed to American shipping by His Majesty's

<sup>1</sup> C. C. Cambreleng.—ED.

order in Council. Mr Clay has this day informed me, that he had expected that he should have been able by this time, to have made to me a communication upon the subject, but after several meetings of the President and the Ministers, nothing had yet been finally resolved upon ; he has given me to understand, however, that a proclamation will certainly be issued by the President in conformity with the provisions of the Act of Congress of 1823, but at what time and in what manner the Proclamation should be carried into effect had occasioned repeated deliberations. Mr Clay has assured me that it is the intention of the Government of the United States to apply the measure pointed out in the Act of Congress of 1823, with as little risk of injury to British subjects engaged in the Colonial trade as possible, of the propriety of which, I told him, that there could not be a doubt, after the forbearance shown by Great Britain in carrying into effect the Act of Parliament of 1825, and the order in Council of the 27th July 1827, and after all parties in the discussion which had recently taken place in Congress agreed in one point, that of not carrying into effect any one of their proposed restrictive measures without due notice.

The President and his Ministers are again to assemble to-morrow upon this subject, and I have no doubt but that their final decision will soon be known.

I think that the Government of the United States has been anxious to receive some communication from Mr Gallatin before any decisive measure was taken and I learn that Mr Gallatin's dispatches lately received do not hold out to this Government, any hopes of a reconciliation of the views of Great Britain and of the United States upon the subject of Colonial intercourse.

#### xviii. CHARLES R. VAUGHAN TO GEORGE CANNING.

WASHINGTON

21 June 1827

*Mr Canning,*

*Sir.* Although reports have reached Washington, of changes having taken place in His Majesty's Councils, as I have not yet received official advice of the change which may have taken place in the Foreign Department, I continue to address my Dispatches to yourself.

As the Secretary of State is absent from Washington, a temporary suspension of intercourse has taken place, between the General Government and Foreign Ministers, which must plead an excuse for my reports being now less frequent than usual.

The Legislative Assemblies of the State of Massachusetts have made choice of Mr Webster to represent that State in Congress as Senator, and the President and his ministers are thereby deprived of a powerful supporter of their measures in the House of Representatives, but he will continue to support them in the Senate, where a more formidable opposition will render his services equally acceptable to them.

I have learned from Mr Ward, who visited Washington on his return

home from Mexico, that the Representatives of that Republic, have rejected the commercial treaty negotiated by Mr Poinsett, the minister from the United States. Whenever this event is generally known in this country, it will probably contribute to exasperate the feelings against the President, which have been excited by the loss of the Colonial trade, which has been attributed to his mismanagement.

The newspapers attached to this Government are still employed in giving a colour to the late discussions upon that subject, with His Majesty's Government, favourable to the American ministers and I presume that the subject will be renewed in some shape or other, very soon after the meeting of Congress on the 4th of December next.

It is known here that representations have been made by the people of the British North American Colonies, to induce His Majesty's Government to continue the present suspension of intercourse between the United States and the British West Indies, which will probably lead to a renewal of the proposals which were so favourably received during the last Session of Congress, for throwing every obstacle in the way of commercial intercourse by land with the Canadas. It is conjectured that efforts may be made to regain the Colonial trade by acts being passed in Congress which should place, unequivocally, the United States within the conditions of the Act of Parliament of 1825.

I should be happy to learn in what manner any such measures would be received by His Majesty's Government that in my intercourse with the several parties here my language might be in strict conformity with those views.

The following letter from Huskisson, preserved among Vaughan's papers is full of interest as explaining the policy which greatly prevailed. It shows too how carefully Huskisson, aided by Vaughan, was feeling the pulse of American opinion, though in one instance he committed himself to a rash prophecy.

XIX. WILLIAM HUSKISSON TO JOHN BACKHOUSE.

RICHMOND TERRACE,

15th June 1829.

To Mr Backhouse,

My dear Sir,

I called the attention of the House to the American Tariff at the close of last Session, the day before I left town for the Continent, 18th July. I have this morning looked at the report of what I said in Hansard's Debates,<sup>1</sup> but it is very incorrectly given. I do not

<sup>1</sup> Vol. XIX, new series, pp. 1768-1775. "The rice of India would soon (indeed it was already doing so) usurp the place, in our list of imports, which that of Carolina had done. In other articles the same change would soon be observed. With reference to cotton, that raw article so essential in our great staple trade, it was only necessary to give its culture in India the same encouragement which the indigo trade had obtained, to ensure its cultivation with equal success."

William Huskisson, 1770-1830, represented Liverpool in Parliament. He was for a time President of the Board of Trade and afterwards Secretary of State for the Colonies.—ED.

recollect any other occasion upon which I *adverted directly* to the American Tariff, but I have frequently had imposed upon me the duty of expounding the principles generally applicable to matters of this nature. The only speeches which I recollect to have revised and printed separately, in which those subjects are incidentally discussed were,—1st. one on Foreign Commerce. 25th March 1825. 2nd one on our Colonial Policy, 21st March 1825. 3rd. one on shipping and Emigration, 12th May 1826,—and 4th. another on the same subject, 7th May 1827. All published at Hansard's. I do not recollect to have read any publication on the American Tariff except an article (not a very able one) in a late number of the Edinburgh Review.

The object of my speech last year, was to alarm the Southern States in respect to the means within our power, of drawing from other countries the articles with which we are now supplied principally from those States; and to show them (whether we resorted to those means or not) that in proportion as British manufactured goods were rendered dear to the American consumers, would the expense of raising their raw materials be increased, and our power, as well as our disposition, to purchase them be diminished. I was not for holding out threats of retaliation, at least in the first instance, and I am sure the Government has acted very wisely in avoiding any such course. It would have enlisted national feelings of a different description into a question altogether commercial, and have prevented the possibility of the Washington Government doing what it is now, I am glad to see, inclined to attempt, on grounds purely American. I trust this attempt will be successful, but if it should be defeated, as Mr. Vaughan apprehends it will, by the strength of Adams' party, it will expedite an event inevitable, I think, at no distant period—the separation of the Southern States—provided we cautiously abstain from taking any part in their domestic differences, and can avoid any dispute which might merge their internal dissensions in a feeling of general hostility to this Country.

I will only further state that I am perfectly satisfied that we have it in our power to encourage the supply of cotton and rice, from other countries, particularly Brazil and British India, and perhaps Egypt, in a manner that would, in a few years, render us far less dependent than we now are on the U.S., and that the means for this purpose may be carried into effect without any infraction of the existing Convention with the U.S. It will be most prudent, however, not to bring them forward till we see what Jackson can and will do.

Yours truly,

W. HUSKISSON.

xx. CHARLES R. VAUGHAN TO JOHN BACKHOUSE.

BOSTON,

28th August 1829.

*My dear Sir,*

I am very much obliged to you for the prompt attention which you have paid to my request, to be furnished with information respecting the operation of the last American Tariff, and with any arguments which might tend to shew the impolicy of that measure with regard to the interests to the Americans themselves. I have to thank you for a copy of the Edinburgh Review, and for some speeches of Mr Huskisson, but more particularly for the note addressed by him to yourself, from which I collect, with great pleasure, the facts that it is not the intention to bring forward at present any measures of retaliation in the British Parliament. I am very anxious that the question of the repeal of the tariff in the American Congress next winter, shall in no shape be injured by any indiscreet putting forward of *English* interests. If the repeal is to take place it must result from a conviction of the impolicy of the tariff as regards *American* interests. I have suggested to those who are anxious to get rid of the tariff, the necessity of applying with the utmost diligence to the amassing of information before the Congress meets, respecting the exact state of loss and profit in the manufacturing establishments which have sprung up under the exorbitant duties imposed on foreign manufacture. I have lately passed through some of the New England States, and wherever I have found manufacturing establishments, many of which are upon a large scale, I have invariably heard rumours of their very depressed state and of the prospects of their being abandoned. It has been stated to me that shares in manufacturing establishments which sold at 15 per cent advance on each share twelve months ago, are now at a discount of 75 per cent—this however is merely vague report.

Notwithstanding the President's determination to get rid of or to modify at least the tariff, I confess that I am under great apprehension that he will fail. It will be made the great question on which the parties of the Ex President and the present President will try their strength. The administration formed by General Jackson carries with it but little weight of talent or character, as it is at present constituted it has disappointed general expectation. It will be opposed upon the tariff question by a combination throughout one half of the States of persons who have vested their money in manufactures and of political characters who are pledged to support the American system.

In passing through the town of Lowell in New Hampshire I saw a fair specimen of the excess to which the national rage for becoming manufacturers has driven the people of the United States. I believe that I do not exaggerate the number of establishments in Lowell for the manufacture of woollens and cotton, if I rate them at 30, all large, well built piles of buildings. This rage for manufactures seems to indicate that notwithstanding temporary difficulties and losses the U.S. must ultimately afford a very contracted market for foreign goods: nor do I

believe that any free admission of American corn into British Ports will materially check the rage I allude to. The embargo and non importation acts which preceded the war of 1812 first gave the impulse to manufactures, and when the merchants in the United States were glutted with foreign goods [upon place taking place]<sup>1</sup> the outcry began of those who had embarked capital in manufactures for the protection of the Government which has been afforded by repeated tariffs in the most extravagant manner.

I beg your pardon for having ventured to write you so much upon this subject. I cannot conclude without requesting that you will have the goodness to continue to furnish me with any publications which may appear in England, from whence anything can be gleaned of service to those who are engaged in opposing the tariff.

It is remarkable that from the accession of Jackson we find next to nothing in Vaughan's papers which bear on the tariff question. With Jackson personally his relations were from the outset most friendly, and it is clear that Vaughan rated his character and ability highly and credited him with a cordial feeling towards England. Nor is there any trace of friction in Vaughan's dealings with Van Buren, and at a later date they were intimate. But it is plain that up to 1828 Clay was the American Politician with whom Vaughan was most intimate, that no one in the new Cabinet seems ever to have taken his place.

In March 1830 we find Vaughan writing to Lord Aberdeen that no relaxation of the tariff was to be expected. Northern opinion, he says, is too strong for Jackson to defy. The same view is expressed a fortnight later in a despatch to Parliament.

There is however a significant passage in that despatch. "American opinion," Vaughan says "has been quite precipitated by the language used in Parliament, and especially by Peel." Peel was only following the lead of his colleague Huskisson. Before the year was out the patient and tactful firmness had its reward. Jackson and McLane the American representative in England were both honestly anxious to come to terms and the discriminating duties were withdrawn.<sup>2</sup>

The troubles arising out of protection and out of the fiscal system favored by Clay, and by the Northern manufacturers were far from being over. They soon entered on an acute phase of which

<sup>1</sup> The words bracketed appear in the copy. I have inserted brackets to make meaning clear.—ED.

<sup>2</sup> Mr. McLane, as minister to England, received humble and deprecatory instructions from Van Buren which have become somewhat celebrated because of the space given them in Benton, *Thirty Years View*, I., 216. Mr. Adams calls them "objectionable." *Life of Albert Gallatin*, p. 618. For the acts and proclamation ending the dispute see Herstlet's, *Commercial and Slave Trade Treaties*, Vol. IV. 512 ff.—ED.

we can learn much from Vaughan's later papers. But the difficulties were purely internal and affected Great Britain only remotely and indirectly.

Vaughan's actual share in the settlement of the commercial difficulty was but slight. Yet no one can read his papers and doubt that his influence counted for a good deal. His observation of the conditions of the dispute was keen, accurate and minute. He saw himself, and he kept clearly before his government, the main forces at work, and never suffered them to be obscured by temporary or personal issues. And it is clear too that his influence was steadily and successfully directed to modifying the temperature whenever it threatened to reach a dangerous heat.

As the following despatch shows, one of the great questions that Vaughan had to take in hand was that of the slave trade. For American statesmen the question bristled with difficulties and these were complicated by the fact that the suppression of the slave trade could not be kept distinct from that thorny business, the right of search.

xxi. CHARLES R. VAUGHAN TO GEORGE CANNING.

WASHINGTON,

30th September 1825.

Sir,

I have the honor to acknowledge the receipt on the 26th inst. by the Packet King Fisher, of your dispatch No. 3. accompanying a full power, with which His Majesty has been pleased to invest me, to enable me to sign a treaty, with the Government of the United States, for the more effectual suppression of the Slave Trade.

By the receipt of this full power, I am placed in the same situation, in which His Majesty's Government had placed Mr Addington, the late Chargé d'Affaires, who was empowered to conclude a treaty upon terms precisely laid down at the end of the last year, whenever the Government of the United States should manifest a determination to accede to those terms.

Of the nature of those terms this Government has been already fully apprised, and I have contented myself therefore with announcing, verbally, to Mr Clay, that I have received His Majesty's Full Power, which I shall be ready to act upon, whenever I shall learn from him that the American Government wished to carry the proposed treaty into effect.

Before I venture to shew any solicitude to reopen the question of the treaty, it appears to me absolutely necessary to ascertain the probable result of a renewed discussion in the Senate, particularly, as I am directed to submit to His Majesty's Government no other than a complete Instrument, one that shall have already received the ratification of that body.

In order to ascertain the feelings of the Senate, we must await its assembling in the month of December, as the opposition to the treaty

when last submitted to it, was in part attributed to the violence of Party spirit which chose to make the supposed cession of a limited right of search, a means of rendering Mr Adams unpopular, who was one of the candidates for the office of President, some hope might have been reasonably entertained, that the feelings of the Senate when it next assembled, would probably be changed. Mr Clay, however, reminded me, that the Senate had subsequently refused their ratification of a treaty with Columbia, because it contained a concession, similar to the one objected to in the convention with Great Britain, and he confessed that he did not see any reason to expect that the feelings were materially altered—at the period of the last discussion, Mr Monroe was President, and was very anxious that the treaty should be ratified. Mr Clay confessed that Mr Adams, who then had the department of state, was of a different opinion. The favourable disposition however, of the executive part of the Government is of less consequence, as it cannot exercise any control over the Senate. It must be recollected that the Committee of the House of Representatives to which the papers had been referred, previously to the breaking up of the Congress, presented but a vague report, unaccompanied with any recommendation to the House to reconsider the question. This was followed by a motion of Mr Forsyth expressive of disapprobation of any cession of the right of search.

Mr Clay said that the only circumstance which he had observed, indicating a change in favour of the Treaty, was in an article which had appeared very lately in a great number of Provincial newspapers purporting to be a letter from Sierra Leone, announcing that three American vessels had lately engaged in the slave trade, profiting by the absence of all American cruizers, and great regret was expressed in this article, that the proposed treaty with Great Britain had not taken effect last year, as it would have enabled the British Cruizers to seize the three American vessels.

Referring to all that has passed relative to the treaty for the suppression of the slave trade last year, and in the want of instructions upon the subject, and knowing that the senate has not undergone any such material change in its composition as can reconcile one to running the risk of again calling for the submission of the treaty to the ratification of the very same individuals who so lately manifested their dislike of the stipulations which caused its rejection, I shall content myself with having announced to the ministers of state that I am in possession of full powers until I receive fresh instructions from His Majesty's Government.

The paucity of any later references to the business show that both Vaughan and the government for which he acted had but scanty hopes of successful negotiation on this point. In this matter Jackson inherited and continued the policy of Adams. On one occasion we find that Jackson refused to sign a convention for the suppression of the slave trade on the ground that it would give British officials the opportunity and pretext for interfering with

American vessels. And scattered references show that on more than one occasion Vaughan's tact and power of conciliation were called into play to settle differences arising out of an alleged abuse of the right of search.

So far I have confined myself to those definite questions of international relations of which the history can be traced out in full, or at least largely illustrated, from Vaughan's despatches and the papers which accompany them, I now propose to deal shortly with those passages which throw light on the various pictures of national life which came under his notice, and on the working of American constitutions and the character of leading statesmen.

It was Vaughan's practice throughout life to leave memoranda of remarkable incidents, possibly designed to serve either himself or those who came after him as materials for a connected biography. Of such the following is an interesting specimen. Probably most students of American history will think that Vaughan's informants overrated Monroe's faults, and did inadequate justice to his merits.

## xxii. MEMORANDUM BY CHARLES R. VAUGHAN.

Mr Monroe—Ex President of the United States.

Mr Archer of Virginia and Mr George Erving discussing at my table the character of Mr Monroe on the 3rd January 1830, made it appear that he was a very inferior man in point of talent, with great indecision of character, and perfectly unfit to manage any affairs even in public or domestic life.

General Washington once conceded to a prevailing party of the day, the nomination of a Minister to France during the Revolutionary movement in that country between the years 90 and 93. That party proposed Mr Monroe to the great surprise of Washington, as he had never shewn any talent in public life. However he consented to his appointment and after a short residence in France Washington was obliged to recall him. Monroe afterwards became the personal friend of Jefferson and Madison, and it was asserted that he had been repeatedly saved by them from repeated disgrace.

He was sent to France to join Livingston and another American commissioned to arrange the purchase of Louisiana—as the purchase was arranged finally soon after his arrival in Paris, he had the credit of having concluded the negotiation, whereas the memoirs of M. Bourienne shew clearly that the price had been fixed by Buonaparte and that the Americans had paid about 3 million of francs more than the price which Buonaparte was willing to accept, and that Mr Monroe had not contributed in the slightest degree to the completion of the bargain.

By accident Mr Monroe had succeeded ad interim to the Department of War, when the successful defence of New Orleans by General Jackson took place, and the people chose to imagine that their success ought to

be attributed to the measures taken by the minister of War, Mr Monroe, and the result was that he was named President of the United States.

Mr Archer and Mr Erving in short described Mr Monroe as a man of most feeble character, as the creature of circumstances, constantly indebted to the decided support which he received throughout his public life, from Messrs Madison and Jefferson.

As an instance of the debility of his character, they mentioned that when he was President, he never gave away an office without requiring from the person to whom he gave it, all sorts of recommendations, which he might produce, should the propriety of his choice be called in question.

A despatch sent by Vaughan in his first year of office to Canning shows that another thunder-cloud heavy with coming strife, was forcing itself on his view. In November, 1825, he reports that Illinois and Connecticut have petitioned for the abolition of slavery, that the governor of Georgia in his message has protested against this as an infringement of state rights.

A later despatch of Vaughan's reminds us of the fashion in which that system which southerners of the school of Calhoun and Stephens regarded as "airth's greatest boon" needed to be buttressed up. Vaughan reports to Lord Palmerston that he has had to intervene and ask relief from the Federal government to protect a British subject from the consequences of a state law of South Carolina. By that law a man of color though free, might, if the vessel on which he was a passenger touched at any port in South Carolina, be arrested and detained in gaol till the vessel sailed.

The following despatches, written just as the forces were marshalling themselves for the great Jacksonian battles show how fully Vaughan had mastered the main issues which divided parties, and how he clearly understood that the President was engaged in a double-handed conflict, in which he represented the unity of the Federation as against Southern nullifiers, the old Jeffersonian doctrine of state rights as against northern Whigs.

XXIII. CHARLES R. VAUGHAN TO THE EARL OF ABERDEEN.

WASHINGTON,

4th June 1830.

*The Earl of Aberdeen*  
*My Lord,*

In my despatch No. 29, I had the honour to transmit to your Lordship a copy of the Message sent by the President to the House of Representatives, giving at length his reasons for refusing to sign a Bill, which had passed both Houses of Congress, authorising a subscription of 150 thousand Dollars to the Maysville Turnpike Road, to be made in the State

of Kentucky. On the last day of the Session of Congress a Bill was returned by the President to the Senate, with his refusal to sign it, communicated in a short message a copy of which is inclosed, in which the Senate is referred to the statement of his objections to similar Bills already made, upon the occasion of his rejection of the Maysville Road Bill.

The Bill returned to the Senate was to authorise a subscription of Stock to the Washington Road, and as it had originated in the Senate, they proceeded immediately to reconsider the Bill, according to the manner pointed out in the 7th section of the First Article of the Constitution, when 21 voted for the passage of the Bill and 17 against it, but as two thirds of the Senators present had not voted for its passage the Bill was rejected.

On the same day, the President announced to Congress his intention of retaining for further consideration two Bills which had been sent to him for his signature, having passed both Houses, the one for making an additional appropriation of money for the Louisville and Portland Canal, and the other appropriating 501,044 dollars to be distributed in almost every State and territory for constructing light houses, buoys and harbours.

With regard to the President retaining these two Bills, I have been assured that they were passed very late in the Session of the House of Representatives, which commenced at ten o'clock in the morning of the 29th and was continued until two o'clock in the morning of the 30th and that they were not sent to the President until the 31st a few minutes only before the final close of the Session.

Some objection has been made to the President returning a Road Bill, which he had signed, with a message, a copy of which is inclosed, declaring that he had signed it with an understanding that the Road was not to be continued beyond the Michigan territory. This qualified signature is thought to imply an unconstitutional right to construe the Acts of Congress.

The right of the General Government to dispose of money in the Treasury for promoting internal improvements, has long been contested in the United States. The Southern States have taken the lead in opposing a continuation of that system, and the President coincides in their opposition, believing that the profuse grants to States, every succeeding Session of Congress for objects of local rather than national advantage, will protract the term for the final liquidation of the National debt, and that the funds for such objects should be provided out of the resources of the States by their respective Legislatures.

A majority of the Houses of Congress having supported the system of grants from the Treasury for internal improvements, the only means left of checking the system, was, that the President should exercise his constitutional power of refusing his signature to Bills having that object in view.

The conduct of the President may induce a belief that the Congress must have separated with some feeling of resentment towards him, but I

do not think that the numbers of the members opposed to his election from the beginning will be increased by his decided resistance to grants of the public money for internal improvements, and I observe, already, that admiration is expressed of the firmness and decision with which he has taken his stand upon principles, which he is known to entertain with many of the most disinterested and distinguished persons in the country.

I must not omit to state to your Lordship that Bills were passed before the Congress closed, and were signed by the President, reducing very considerably the duties upon the importation of four articles received in this Country from the West Indies—molasses, salt, sugar and coffee. As I am not yet in possession of the Bills I cannot state the exact amount of the reduction of duties. I have already acquainted your Lordship with the proceedings of Congress with regard to the tariff. The members of the Southern States assert that enough has transpired to convince them that the “American System” must be abandoned within the course of a year.

Vaughan was in England on leave during the crisis of nullification and thus there is a serious gap in his correspondence as bearing on this question. The following letters throw an interesting light on the later phases of the contest.

XXIV. CHARLES R. VAUGHAN TO VISCOUNT PALMERSTON.

NEW YORK,

31st March 1833.

*Viscount Palmerston.*

*My Lord,*

I have the honour to inform your Lordship that I arrived here on the 26th inst. after a passage from Liverpool of thirty days, and it is my intention to proceed without further delay to Washington.

The last Despatches of Mr Bankhead will have made your Lordship fully acquainted with the proceedings of Congress, which terminated in the adoption of a Bill for modifying the Tariff Act, imposing duties upon Foreign manufactures. Upon my arrival at New York I found that intelligence had just been received of the final settlement of the dissension between the General Government and the State of South Carolina, the convention of the State having rescinded their ordinance, rendering null and of no effect the Tariff Act, as soon as the modification of that Act by Congress was submitted to them, a minority of only four voted against rescinding the ordinance. This decided majority seems to justify the inference which has been drawn from it, that the people of South Carolina, finding that they were not supported by any of the Southern States, were glad to avail themselves of any concession by Congress, to withdraw from the position in which they had hastily and injudiciously placed themselves.

I find upon my arrival here that all parties are well pleased that the

late serious indication of disunion in the Confederation has been fortunately put an end to. The great and influential State of New York, and the States of New England forgot their party animosities, which had been recently called forth by the Presidential election, and came forward at once to approve and support the principles of resistance to the pretensions of South Carolina, which were laid down in the Proclamation of the President General Jackson. Though the Southern States do not coincide with the opinions expressed by the President, and disapproved of the Tariff, their reluctance to join South Carolina at once destroyed all expectation of seeing a Southern Confederacy established, and it is thought that the late events may ultimately give additional stability to the present constitution of Government of the United States.

We are yet to ascertain the result in the North Eastern States of the abandonment of the "American system," which was established for the protection and encouragement of the domestic manufactures of the States. It is believed that that system must be abandoned before the term of nine years, which is the period fixed in Mr Clay's Bill for the final adjustment of Duties upon imported foreign manufactures. The greater Capitalists of those States who have invested their property in manufacturing establishments have derived this advantage from Mr Clay's Bill, that it has put a stop to the competition to which they were exposed, and already they have secured a better price for their goods.

The Session of Congress has closed with a singular and unexpected combination of Parties. The concession which has tranquilized South Carolina was brought forward by Mr Clay, the decided opponent of the President, and whose pretensions to be elected in his room rested upon his zealous and uncompromising support of the American system. The Bill of Mr Clay was substituted (sic) in the House of Representatives after the members had been involved in a fruitless discussion for some weeks of the details of a Bill for modifying the Tariff proposed by the Government.

All parties approve of the conduct of the President. A less decisive mind at the head of the Government in such a crisis, would according to general opinion have given rise to much mischief.

The right maintained by South Carolina, of peaceable secession from the Union, is now decided as unconstitutional doctrine, but it is expected that State Rights founded on their reserved sovereignty will be a fruitful source of discussion during the next Session of Congress. It seems to be a misapplication of terms to talk of allegiance to such a form of Government. Implicit obedience to the Laws is the bond of Union and the late events have proved how doubtful the duration of it is.

I lose no time in forwarding to your Lordship the information I have collected at New York, before I have had any communication with the Government of the United States as the correspondence of Mr Bankhead with H. M. Government is suspended in consequence of my arrival.

xxv. CHARLES R. VAUGHAN TO VISCOUNT PALMERSTON.

WASHINGTON

21st April 1833.

*Viscount Palmerston,  
My Lord,*

Though the Bill proposed by Mr Clay, and passed by Congress, admitting the principle that the duties upon imports shall be eventually reduced to a revenue standard, and that no more money shall be raised than may be necessary to the economical administration of the Government, has been received by the State of Carolina as a measure of peace and conciliation, yet it would appear, from a letter dated the 27th March, which has been published by Mr Calhoun, and other proceedings in the South, that the lots dissension is not yet finally settled.

Mr Calhoun asserts that the struggle to preserve the Constitution, and to arrest the dangerous tendency of the Government, so far from being over, is not more than fairly commenced.

The principle for which South Carolina contended has been acknowledged in Mr Clay's Bill—"The rejected and reviled right of nullification" has proved to be peaceable and efficient remedy. The theory of the Constitution, which during the late dissension it has been attempted to establish, denies that the constitution is a compact between the States, and denies its Federal character. The question now is, whether the General Government be a consolidated Government with unrestricted powers, or a Federal Republic of State[s] with limited powers. The Government must be restricted within its proper sphere, and its tendency like all Governments, to despotic rule, must be corrected. Such are the opinions published by Mr Calhoun, one of the ablest leaders of the nullification party. Whatever may be the personal influence of the leaders of the party, the principles advanced in the Southern States have received so decided a check, by the declaration of the people of a great majority of the States, against their right to nullify an act of the General Government that they cannot hope to act with effect.

Mr Calhoun recommends determined resistance to what is called the "Force Bill." The Bill passed by Congress, giving power to the President to enforce the execution of the Tariff law in South Carolina. When the Convention of South Carolina agreed to rescind its ordinance of nullification, it did not separate before by a vote of 132 to 19 they had nullified the "Force Act," and the Legislature of South Carolina has decreed that the existing organization of the Volunteers shall be maintained so long as the Bill remains unrepealed.

In a speech delivered by Governor Hayne, upon presenting, at the beginning of the month (April) a new standard to the Volunteers of Charleston, upon which the arms of the State were embroidered, he stated the force of the Volunteers throughout Carolina at 20,000 men, but only 500 volunteers appeared in uniform and armed at the celebration on that occasion, though the total force enrolled in Charleston was said on good

authority to amount to 13,000. The troops of the United States which were sent to the fortresses at Charleston, and the five companies collected upon the Frontier of that State in Georgia have been withdrawn by the General Government.

In Virginia, Mr Tyler, a distinguished Senator in Congress from that State, took occasion at a dinner given to him to justify the conduct of South Carolina and to reprobate the doctrine that the Government of the United States was the work of the people, and not the result of a compact between separate and sovereign States. He denies the claim of the Federal Government to the exclusive allegiance of the Citizen, and that an act of resistance to that General Government can be regarded as treason and rebellion, to be put down by the employment of the whole Naval and Military forces of the country.

Mr Tyler seems to consider the General Government as an agency created for particular objects. That allegiance is not due to it because it is invested with the power of providing protection against Foreign Nations, and for the common deference<sup>1</sup> and welfare.

I see that it is acknowledged by Mr McDuffie in a speech delivered in South Carolina that through the reduction of duties, under Mr Clay's Bill, would not be complete until the year 1842, many articles imported from Foreign Countries which are consumed in the Southern States, would be rendered free of duty in a short time. The price of linens and worsted stuffs would soon be reduced much in price, and that it was a just cause of triumph, that the stand made by South Carolina against the unconstitutional, unjust and unequal law of the tariff, had compelled the Government to abandon their system of levying duties on articles of foreign manufacture for the protection of domestic industry.

In Virginia there has been a great division of opinion, but the result of the elections which are just over in that State, indicates by the return of a majority of members to Congress, who are declared supporters of the President, the prevalence of opinions opposed to the principles lately put forth by the neighboring State of South Carolina. Had however another year passed without an adjustment of the Tariff, it seems very doubtful what might have been the line adopted by Virginia.

We must expect a renewal of debates upon the constitutional question of State Rights during the next Session of Congress. The Repeal and removal from the Book of Statutes, of the "Force Bill," will be one of the first measures adopted by the Southern States. It is rumoured that an attempt will be made, to unite the Southern States against the Union, by instilling the minds of the proprietors of slaves, that there is a fixed design in the Northern States to abolish Negro slavery. It is well known how sensitive the people of the Southern States are upon that point, and it is not impossible that a controversy will soon be excited upon that subject. I observe, that a great interest is taken here, in the feelings of the Government and people of Great Britain in relation to the emancipation of the slaves in the West Indies.

<sup>1</sup> Probably intended to be defence.—ED.

## XXVI. CHARLES R. VAUGHAN TO VISCOUNT PALMERSTON.

WASHINGTON,

20th July 1833.

*Viscount Palmerston**My Lord,*

. . . The calm has not yet been disturbed in the Southern States, which immediately [followed] the mutual compromise of their interests and those of the Northern States by the Bill which passed at the close of the last Session of Congress modifying the duties upon foreign manufactures. It is asserted, however, that there is a deep and settled determination amongst the people of the South to bring about a separation. 'The people of the Northern States are unanimous and decided in maintaining the Union, and all parties united, on the occasion of the President's late visit, to express to him their admiration of the prompt, firm and judicious measures which he adopted to counteract the movement in South Carolina. There is evidently a disposition amongst some people without influence to excite a collision of interests between the Northern and Southern States, by agitating the question of the emancipation of the slaves of the latter, but the leading men of the North positively deny any intention of agitating that question in any shape, and by the constitution of the United States the Congress has no right to interfere, and the condition of the slaves is exclusively under the control of the Legislatures of the slave-holding States.

But the most interesting document in the whole collection bearing on the question of nullification is Vaughan's account of an interview with William IV., in which he explained to the King the situation, forecast its probable issue. It shows how far Vaughan was from accepting the view of the situation taken by Huskisson, who, as we have seen, looked on the separation of North and South as inevitable. The paper belongs to that class of memoranda, which, as we have already seen, Vaughan was given to composing.

## XXVII. MEMORANDUM BY CHARLES R. VAUGHAN.

Communication with the King. Summary of Mr Clay and Hayne's Speeches on the Tariff.

In the month of March 1832, the reports of the state of domestic politics in the United States of America received by the Marchioness Wellesley from her family, and reported to the King, induced His Majesty to request my attendance at St James on the 11th April, when the King did me the honour to communicate to me that Marchioness Wellesley, then in attendance upon the Queen as Lady of the Bed-chamber had informed their Majesties that a separation would probably take place of the States at present forming the Union and that it became necessary for England to decide upon the policy which in that event should be adopted. There seemed to be a conviction upon His Majesty's

mind, that the right policy to adopt would be that of strict alliance with the Northern States. His Majesty however, commanded me to see Lord Palmerston and to make enquiries at the Foreign Office, and to examine any communications which might have been received there in confirmation of the information derived from the Marchioness Wellesley. His Majesty at the same time authorizing me to say to Lord Palmerston, that any negotiations to be entered into with the United States, should be entrusted to me and at the same time observing that he conceived that I should feel it to be my duty, and should have a pride in being entrusted with a negotiation so delicate and interesting, and declaring that it would entitle me to the Red Ribbon.

I ventured to express to His Majesty the reluctance with which I ever gave credit to reports so much in conformity with the expectations of my countrymen very generally manifested, that the United States must soon separate and that their Union could not long subsist. I was no stranger to the constant recourse to such threats whenever the interests of the several divisions of States were thought not to be fairly balanced in laws passed by the General Government. The only moment when the separation of the States was really to be apprehended, was, when the New England States shortly before the close of the last war with Great Britain, formed a Convention at Har[t]ford in Connecticut, for the express purpose of withdrawing from the war, which called upon them for great sacrifices on the Frontier of the British possessions in North America, while their commercial enterprise was completely paralyzed. Of later years the Southern States have talked of separation on account of the repeated high tariff of duties since 1824, on the importation of Foreign Manufactures in order to foster and protect the manufactories established in the North Eastern and middle States. The Southern States had been accustomed to supply themselves with articles of clothing for their slave population upon more reasonable terms from England, than those upon which they could be supplied by the manufacturers of the Northern and Middle States. I wished His Majesty to be aware that I had never witnessed a meeting of Congress since the passage of the Tariff Act of 1824, that the Southern Representatives had not in their speeches held a language amounting to a threat of disobeying the laws passed by the General Government, which they considered unjust, as injurious to their interests, and in their conversations, a separation from time to time, was insinuated. In addition to this irritation manifested generally upon the opening of Congress by the Representatives of the Southern States, it should not be overlooked that Mr Carroll from whom Lady Wellesley's information was probably derived, had one grief in common with the citizens of the Southern States, though a native of a Middle State, Maryland, which was, that he participated in all their difficulties and embarrassments arising from having his property invested in a large slave population.

I promised His Majesty to diligently to inquire, in conformity with his commands, into the nature of any communications which might have

been made to the Foreign Office bearing upon the reports which reached His Majesty of a meditated separation of the United States, and I begged permission to attend His Majesty to lay before him the result of my enquiries.

Upon seeing Lord Palmerston and the Under Secretary, Mr Backhouse, I found that no communication had reached the Foreign Office touching in any manner upon a projected separation of the States.

On the 13th of April I waited upon the King at St James' and informed His Majesty that I could not find in the Foreign Office any confirmation of the reports which His Majesty had condescended to communicate to me, and I repeated that my knowledge of the carelessness with which Americans permitted themselves to talk of separation, while their keen sense of their own interests must obviously prevent them from hastily risking such an event, made me very loth to credit any but exact and official reports indicative of such an intention, and that at all events ample time would be given to Great Britain to adapt her policy to the passing events, and that nothing could be more prejudicial to British interests, than any manifestation of an expectation of such an event.

As the question of separation, according to the report of Lady Wellesley was decidedly to be a separation of the Southern States from the Northern ones, I took the liberty of putting into the King's hands a memorandum of the general divisions of the States, as it is considered in America.

*Northern States* are—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware.

The population of these ten States in 1820 was,—Whites 4,307,643. Free people of colour 107,828. Slaves 22,506.

*The Southern States* may be considered to be as follows—Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana. The population of these eight States including in them the district of Colombia was in 1820—Whites 1,967,296. Free coloured, 91,325. Slaves 1,299,829.

*The Western States* are—Ohio, Indiana, Illinois, Missouri, Kentucky, Tennessee. The population of these six Western States was in 1820. Whites, 1,607,851. Free coloured 13,670. Slaves 217,218. The territories of Michigan, Arkansas, Florida and the western districts had not in 1820 sufficient population to be admitted into the Union as States.

A consideration of the population of these States proves the imprudence and hopelessness of the Southern States seriously meditating a separation from the Northern States. The magnitude of their slave population which seems to keep them in a state of constant uneasiness, and the distress occasioned by that most expensive mode of agriculture, besides the Naval resources being almost exclusively confined to the ports of the Northern States, seems to render such a separation impossible. It is not probable that they would be joined by the Western States which have been peopled as much by emigration from the New England as the

Southern States, and the outlet for their agricultural produce is by Lake Erie as well as by the Mississippi. Besides the tariff having been supported in Congress by the Representatives of the Western States, the Southern States refused to receive from them their customary supplies of live stock.

My second interview with His Majesty terminated by his desiring me to give the paper which I laid before him to Sir Herbert Taylor and by commanding me to communicate to him anything which might come to my knowledge respecting the reported separation of the States.

On the 24th April I received a letter from Mr McTavish, who married the sister of Lady Wellesley and who lives in the family of Mrs Carroll of Maryland, in which he states, that the tariff question will not be settled until it comes before the House of Representatives, and that the Southern men are determined that there shall be a reduction in the duties and "it is even hinted that these delegations may not take their seats at the next Congress," unless they are met half way by the advocates of the tariff.

This is the only intimation I have had of the disposition of the Southern men to separate. In the Senate a debate had already taken place on resolutions moved by Mr Clay to support the American system, by continuing the high duties of the tariff of 1828, upon articles of Foreign manufacture which can enter into competition with similar articles manufactured in the United States, and the complaints of the Southern States and the arguments of the supporters of the American system may be collected from the speeches which have been transmitted to me by Mr McTavish, of Colonel Hayne of South Carolina and Mr Clay of Kentucky.